

SENATE JOINT RESOLUTION 635

By Ford

A RESOLUTION to propose an amendment to Sections 3 and 7 of Article VI and Section 5 of Article VII of the Constitution of Tennessee, to provide for the election of certain judges.

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED SEVENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, that a majority of all the members of each house concurring, as shown by the yeas and nays entered on their journals, that it is proposed:

That Article VI, Section 3, of the Constitution of Tennessee be amended by deleting the section in its entirety and by substituting instead the following:

(a)

(1) Each judge of the supreme court shall be elected to a full eight-year term of office by the qualified voters of the district in which the judge seeks election in a contested election held at the regular August election in 2014 and at the regular August election recurring every eight (8) years thereafter.

(2)

(A) Each justice of the supreme court shall be elected from supreme court districts to be created by the general assembly. The districts shall be approximately equal in population and each district shall be composed of the core county enumerated in this subdivision:

(i) The first supreme court district shall contain Knox County;

(ii) The second supreme court district shall contain Hamilton County;

(iii) The third supreme court district shall contain Davidson County;

(iv) The fourth supreme court district shall contain Madison County; and

(v) The fifth supreme court district shall contain Shelby County.

(B) At the August general election in 2014, and every eight (8) years thereafter, the qualified voters of the state shall elect five (5) persons, one (1) of whom shall reside in each supreme court district and who meet the qualifications of a supreme court judge provided by law to serve as judge of the supreme court.

(C) Any vacancy in the office of supreme court judge shall be filled as provided in subsection (d) and shall be filled from the same supreme court judicial district in which the vacancy occurred.

(b)

(1) Each judge of the court of appeals and court of criminal appeals shall be elected to a full eight-year term of office by the qualified voters of the district in which the judge seeks election in a contested election held at the regular August election in 2014 and at the regular August election recurring every eight (8) years thereafter.

(2) Each court of appeals and court of criminal appeals judge shall be elected from intermediate appellate court districts to be created by the general assembly. The districts shall be approximately equal in population and each district shall contain a core county as follows:

(A) The first intermediate appellate court district shall contain Sullivan County;

(B) The second intermediate appellate court district shall contain Knox County;

(C) The third intermediate appellate court district shall contain Hamilton County;

(D) The fourth intermediate appellate court district shall contain Davidson County;

(E) The fifth intermediate appellate court district shall contain Madison County; and

(F) The sixth intermediate appellate court district shall contain Shelby County.

(3) At the August general election in 2014, and every eight (8) years thereafter, the qualified voters of each intermediate appellate court district shall elect two (2) persons meeting the qualifications provided by law for a court of appeals judge to serve as judge of the court of appeals for an eight-year term and two (2) persons meeting the qualifications provided by law for a court of criminal appeals judge to serve as judge of the court of criminal appeals for a term of eight (8) years.

(c) If a vacancy occurs during the term of office of any judge of the supreme court, court of appeals or court of criminal appeals because of death, resignation, removal or other reason, then the vacancy shall be filled, for the remainder of the unexpired term, by the qualified voters of the state or the intermediate appellate court district from which the vacancy occurs in a contested election held at the next regular August election recurring more than thirty (30) days after the vacancy occurs. In the

meantime, the governor shall appoint a person to discharge the duties of such office until the first day of September next succeeding the election.

(d) To be appointed or elected as judge of the supreme court, judge of the court of appeals or judge of the court of criminal appeals, a person must be duly licensed to practice law in this state and must be fully qualified under the constitution and statutes of Tennessee to hold the office.

(e) Each election for the office of judge of the supreme court, judge of the court of appeals or judge of the court of criminal appeals shall be conducted in accordance with general election law set forth in title 2. In accordance with § 2-13-203, each political party may nominate a candidate for election to each such office; and in accordance with § 2-5-101, independent candidates may also qualify for each such office.

BE IT FURTHER RESOLVED, that the foregoing be referred to the One Hundred Eighth General Assembly and that this resolution proposing such amendment be published in accordance with Article XI, Section 3 of the Constitution of Tennessee.

BE IT FURTHER RESOLVED, that the clerk of the senate is directed to deliver a copy of this resolution to the secretary of state and to the director of the office of legislative information services.